

REMARKS

This Response is to the Restriction Requirement dated January 10, 2008. Applicants elect Group I, drawn to a first fuel supply, including claims 1-7 as indicated by the Examiner. Accordingly, Applicants withdraw the claims encompassing Group II (claims 8-16, 19, and 20). The election of Group I is made with traverse. Applicants respectfully reserve the right to file divisional applications to any claims directed to the non-elected Group.

Applicants respectfully request reconsideration of the Restriction Requirement as it was improper. Pursuant to MPEP § 803, an application may be required to be restricted to one of two or more claimed inventions *only* if the two criteria for proper requirement for restriction are met:

- (A) The inventions must be independent or distinct as claimed, *and*
- (B) There must be a serious burden on the examiner.

MPEP § 803 also provides that if the search and examination of an entire application can be made without serious burden, the examiner must examine the entire application on the merits, even though the application includes claims drawn to independent or distinct inventions.

The Examiner asserts that “there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their different classification and recognized divergent subject matter.” Applicants respectfully disagree with the Examiner. On March 8, 2007 the Examiner issued an Office Action after he had searched and examined substantially the same claims (1-7, 8-16, 19 and 20). See the Search Notes dated March 8, 2007, EAST search history dated February 7, 2007, and EAST search history dated January 11, 2007. The fact that the Examiner has already been able to conduct a complete search demonstrates that there is no serious burden on the Examiner. The lack of such a burden is further demonstrated by the fact that the USPTO, acting as the International Searching Authority (“ISA”), issued an International Search Report (“ISR”), mailed on April 23, 2007, wherein the ISA searched and examined substantially the same claims in corresponding international application PCT/US2004/039235, which claims priority to the present application.

On July 9, 2007, the Applicants did submit a Response to the Examiner’s Office Action. However, Applicants believe that the Response did not include claim amendments that would

significantly enhance the difficulty of the Examiner's search, given that the only substantive amendment was the addition of one limitation to claim 1 (*i.e.*, the recitation that data is encrypted by a manufacturer of the fuel supply). Accordingly, Applicants respectfully request withdrawal of the Restriction Requirement and examination on the merits of all claims of the present invention, because the different fields of search would not represent a serious burden on the Examiner.

The Applicants take no position as to the independence and/or distinctiveness of the invention or inventions set forth in the present application. No such position is necessary to request withdrawal of this Restriction Requirement.

In light of the preceding, Applicants believe that the presently pending elected claims are in condition for allowance, early notice of which would be greatly appreciated. The Examiner is invited to telephone the undersigned attorney of record if he believes that such a call would materially advance the prosecution and eventual allowance of the present application.

It is not believed that any fees are required with submission of this Response. However, if extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to The H.T. Than Law Group, Deposit Account No. 50-1980.

Respectfully submitted,

Date: February 11, 2007

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